REMARKS

Applicants have carefully reviewed and considered the Office Action mailed

February 2, 2007, in which claims 3, 6, 10 and 13 were objected to as containing

allowable subject matter. Reconsideration of the application is respectfully requested in

view of the foregoing amendments and comments set forth below.

By this Amendment, claims 3-6 and 10-13 are rewritten into independent form,

claims 1 and 8 are canceled and claims 2 and 7, and 9 and 14 are amended to depend

from independent claims 3 and 10, respectively. Thus, indicated allowable claims 3, 6,

10 and 13 are rewritten in independent form included all of the limitations of the base

claim and any intervening claims. Accordingly, claims 2-7 and 9-14 are pending in the

present application.

Since indicated allowable claims 3, 6, 10 and 13 have been rewritten in

independent form, it is submitted that these claims and their dependent claims 2, 7, 9 and

14 are allowable over the prior art of record.

Claims 4- 5 and 11-12 were rejected under 35 U.S.C. §102 (b) as being

anticipated by U.S. Patent No. 6,952,668 to Kapilow, which was published as PCT Pub.

No. WO00/63882 on October 26, 2000. This rejection is respectfully traversed.

Kapilow is directed to a method and apparatus for performing packet loss or

frame erasure concealment (FEC) for a speech coder that does not have a built-in or

standard FEC process. Kapilow discloses an FEC module that applies a frame

concealment process to a signal so that the FEC processing produces natural sounding

synthetic speech for the erased frames. That is, the frame concealment process disclosed

by Kapilow employs a replication of pitch waveforms to synthesize missing speech

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where the number of replications increase with the length of the erasure. See column 1, line 63 through column 2, line 5 of Kapilow. The recited position controller of claims 4-5 and 11-12 of the present application describes an element that generates varied speech data from a limited amount of signals to avoid the unnatural speech signals achieved from the replication of a waveform. See paragraph [0005] of the present application.

The position controller recited in claims 4-5 and 11-12 of the present application sequentially shift "the position of the segment determined by the recited substituting circuit from the a newest periodic signal data sequence toward an oldest periodic signal data sequence saved" and either determine, "when the segment can no longer be shifted toward the oldest period signal data sequence, the segment at a position adjacent to the oldest periodic signal data sequence" (claims 4 and 11); or, again sequentially shift "the segment from the newest periodic signal data sequence toward the oldest period signal data sequence" and repeat the variation as long as the erasure continues (claims 5 and 12 of the present application). Nowhere does Kapilow disclose the recited position controller of claims 4-5 and 11-12. Accordingly, Kapilow cannot anticipate claims 4-5 and 11-12 because it fails to disclose each and every claimed feature. Withdrawal of this rejection is respectfully submitted.
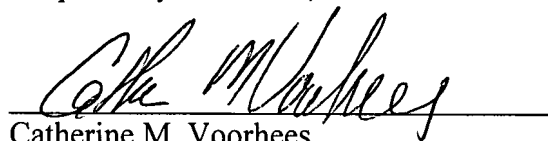
By the foregoing Amendment to the claims, 8 independent claims are presented for a total of 5 claim in excess of 3 independent claims. The Director is authorized to charge our Deposit Account 22-0261 the official fee of $1000.00 (5 x $200.00).

In view of the foregoing amendments and remarks, it is respectfully requested that the rejection of record be withdrawn and that a Notice of Allowance be issued indicating that claims 2-7 and 9-14 are allowed over the prior art of record.

(10/553,905)

Should the Examiner believe that a conference would advance the prosecution of this application, the Examiner is encouraged to telephone the undersigned counsel to arrange such a conference.

Date: <u>May 2, 2007</u>

Respectfully submitted,

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